

UNITED STATES DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 APR 27 P 6:03

UNITED STATES OF AMERICA) CRIMINAL NO. 04-10111-MEL
)
 v.)
)
 1. JERMAINE ANDERSON,)
 a/k/a "TONY,")
)
 2. ALRED G. RYAN and)
)
 3. COREY SMITH,)
 a/k/a "BLACK" and)
 "BLACKIE,")
)
 Defendants.)

FILED
CLERK'S OFFICE

GOVERNMENT'S MOTION TO SUBMIT ADDITIONAL EVIDENCE
IN SUPPORT OF ITS MOTION TO DETAIN DEFENDANT COREY SMITH
OR, IN THE ALTERNATIVE, TO RE-OPEN THE DETENTION HEARING
FOR COREY SMITH

Now comes the United States of America, by and through the undersigned counsel, and submits the "Government's Motion to Submit Additional Evidence in Support of Its Motion to Detain Defendant Corey Smith or, in the Alternative, to Re-Open the Detention Hearing for Corey Smith." In support of its motion, the government sets forth the following:

1. Late yesterday afternoon, the Court held a detention hearing for defendant Corey Smith ("Smith"), during which the government presented the testimony of one witness and argued for the Smith's detention pending trial. Through counsel, Smith argued that he should be released on condition he attend and complete a residential drug treatment program.

2. After hearing from the parties, the Court indicated its intention to release Smith to a residential drug treatment program at a hearing scheduled for Wednesday, April 28, 2004 at 12:30 p.m., provided Pre-Trial Services is able to identify an available program by that time.

3. The government seeks leave to present at tomorrow's hearing additional evidence in support of its motion to detain Smith. In the alternative, if the Court deems the detention hearing to have been concluded, the government seeks leave to re-open the detention hearing to allow the presentation of that additional evidence.

4. The government intends to offer evidence to the effect that Smith has been implicated in a homicide. More specifically, the government seeks to offer the testimony of Boston Police Officer Gregory Brown, a member of the Youth Violence Strike Force, to the effect that a confidential source has told members of the Boston Police Department that Tyrone Pierce and Corey Smith shot and killed Michael Tavares in the Copeland Street area in August, 2000; that Tyrone Pierce told the confidential source that Tyrone Pierce and Corey Smith had decided to rob Michael Tavares of money and a gold chain and that, in the process of doing so, Corey Smith had shot and killed Michael Tavares.

5. The government expects that Officer Brown will further testify that Tyrone Pierce left the Commonwealth of Massachusetts

sometime ago and is believed to be residing either in the South or on the West Coast. Officer Brown also will testify that, after the Tavares homicide, persons associated with Corey Smith began referring to him as "C-Murder" and as "Killer." Officer Brown also will testify that some of Smith's closest associates are now federal defendants in the above-captioned case or in related prosecutions stemming out of the same year-long investigation of crack-trafficking in the Warren Gardens area.

6. Finally, Officer Brown will testify that, on the date of Smith's arrest in connection with this case, after Smith was booked and placed in a holding cell, Boston Police Officer Vance Mills remarked that Smith was probably going to "do a lot of time," to which Smith responded by making a statement to the effect "I'm probably never going to get out."

7. The government believes that the testimony summarized above is highly relevant to the detention or release issues pending before the Court.

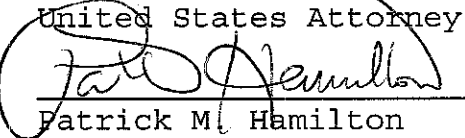
For all the foregoing reasons, the government respectfully requests that this Honorable Court grant the government's motion by either allowing it to offer the testimony of Officer Gregory Brown at the hearing scheduled for Wednesday, April 28 or, in the alternative, by re-opening the detention hearing to allow the

government to offer that testimony.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

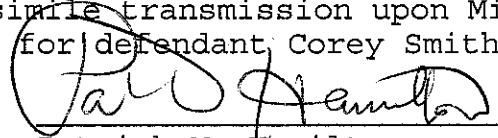

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Date: April 27, 2004

CERTIFICATE OF SERVICE

I, Patrick M. Hamilton, do hereby certify that a copy of the foregoing has been served by facsimile transmission upon Michael Bourbeau, Esq., counsel of record for defendant Corey Smith.

Date: April 27, 2004


Patrick M. Hamilton